

Response to Final OA of March 9, 2005
Ser. No. 10/046,450

Page 9 of 13

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the Final Office Action of March 9, 2005. As stated above, claims 1, 8 and 32 are currently amended. Claims 1-39 are pending.

Rejections under 35 U.S.C. §112, ¶1

In the Final Office Action mailed March 9, 2005, the Office rejected claims 1-12 and 32-39 as failing to comply with the enablement requirement. The Office recognizes that Applicant amended the claims in the prior response as to recite an optical storage medium that includes lands and pits. The Office asserts that "the element 220 in the figures is a regular storage medium, not an optical storage medium" and that "the specification didn't teach that the optical storage medium has lands and pits". OA 3/9/05 at page 2.

Applicant believes that the Office has reviewed the specification for the term "optical" and finds that an explicit association is not made for the terms "optical" and "storage medium". In response, Applicant amends claims 1, 8 and 32 to delete the term "optical" and to recite a storage medium comprising lands and pits for data storage, as described in the specification.

In support of this clarifying amendment, Applicant respectfully directs the Office to Fig. 8 and the corresponding description. At page 9, lines 12-16, the specification, as it refers to Fig. 8, states:

During a write procedure, data marks, or "pits", are formed inside the light-absorbing organic film. In an exemplary storage medium 228, the thermal conductivity of the organic material is very low (much lower than that of metals). R/W head 268 energy 264 absorbed by such an organic material dissipates in the form of heat, causing local material ablation and pit formation.

At page 8, lines 20-22, the exemplary storage medium of Fig. 8 is described as having "eight bits of data, represented as zeros (0) and ones (1), in two

Response to Final OA of March 9, 2005
Ser. No. 10/046,450

Page 10 of 13

four bit rows", which is for the purpose of illustrating data storage by the exemplary storage medium of Fig. 8. As is commonly known in the art of storage media such as CDs, DVDs, etc., binary data (i.e., 0s and 1s) are encoded using pits and, in a data write process, pit formation occurs. In
5 CDs, pits can reduce the intensity of reflected radiation compared to radiation focused solely on a land. As commonly known in the art of CDs, measurement of radiation intensity allows one to read data from a CD. For CDs, it is common that a wall of a pit (i.e., where a change occurs from a pit to a land or from a land to a pit) indicates a binary value of one while no
10 change indicates a binary value of zero. Turning to Fig. 8, the data, represented as 0s and 1s, may be encoded or stored in the storage medium using such a scheme.

Applicant notes that the subject matter claimed may rely on use of pits and lands per a CD, or per another manner. Importantly, as described in the
15 specification, pits allow for storage of data by the storage medium and pit formation allows for writing data (i.e., storing data) to the storage medium. Thus, Applicant currently amends claims 1, 8 and 32 to more clearly recite a storage medium that uses pits and lands for storage of data, as supported by the specification. Applicant respectfully submits that claims 1, 8 and 32, as
20 currently amended, comport with all requirements of §112, ¶1.

Rejections under 35 U.S.C. §102

Claims 8, 11 and 12

In the Final Office Action mailed March 9, 2005, the Office rejected
25 claims 8, 11 and 12 under §102(e) as being anticipated by US Pat. No. 6,533,383 to Saruta et al., referred to herein as the Saruta reference.

Applicant currently amends claim 8 to recite a storage medium that comprises lands and pits for storage of data. Such a storage medium is not susceptible to the electro-magnetic interference discussed in the Saruta
30 reference. For at least this reason, Applicant submits that claims 8, 11 and 12 are patentable.

Response to Final OA of March 9, 2005
Ser. No. 10/046,450

Page 11 of 13

Claims 32-33, 35-36 and 38-39

In the Final Office Action mailed March 9, 2005, the Office rejected claims 32-33, 35-36 and 38-39 under §102(e) as being anticipated by US Pat. No. 6,533,383 to Saruta et al., referred to herein as the Saruta

5 reference.

Applicant currently amends claim 32 to recite a storage medium that comprises lands and pits for storage of data. Such a storage medium is not susceptible to the electro-magnetic interference discussed in the Saruta reference (e.g., interference associated with movement of a print head). For
10 at least this reason, Applicant submits that claims 32-33, 35-36 and 38-39 are patentable.

Rejections under 35 U.S.C. §103

Claims 1-7

15 In the Final Office Action mailed March 9, 2005, the Office rejected claims 1-7 under §103(a) as being unpatentable over US Pat. No. 6,533,383 to Saruta et al., referred to herein as the Saruta reference, in view of US Pat. No. 3,656,827 to Gamblin et al., referred to herein as the Gamblin reference.

Applicant currently amends claim 1 to recite a storage medium
20 comprising lands and pits for storage of data (e.g., a medium used for compact discs, etc.) comprising a holographic image. Such a storage medium is not susceptible to the electro-magnetic interference discussed in the Saruta reference (e.g., interference associated with movement of a print head). For at least this reason, Applicant submits that claims 1-7 are
25 patentable.

Claims 9 and 34

In the Final Office Action mailed March 9, 2005, the Office rejected claims 9 and 34 under §103(a) as being unpatentable over US Pat. No.
30 6,533,383 to Saruta et al., referred to herein as the Saruta reference, in view of US Pat. No. 3,656,827 to Gamblin et al., referred to herein as the Gamblin reference.

Response to Final OA of March 9, 2005
Ser. No. 10/046,450

Page 12 of 13

Applicant currently amends claims 8 and 32, from which claims 9 and 34 depend. For at least this reason, Applicant submits that claims 9 and 34 are patentable.

5 *Claims 10 and 37*

In the Final Office Action mailed March 9, 2005, the Office rejected claims 10 and 37 under §103(a) as being unpatentable over US Pat. No. 6,533,383 to Saruta et al., referred to herein as the Saruta reference, in view of US Pat. No. 5,812,156 to Bullock et al., referred to herein as the Bullock
10 reference.

Applicant currently amends claims 8 and 32, from which claims 10 and 37 depend. For at least this reason, Applicant submits that claims 10 and 37 are patentable.

15 Allowed Claims

In the Office Action mailed March 9, 2005, the Office allowed claims 13-31.

Conclusion

20 Claims 1-39 are pending and believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

25

30


Response to Final OA of March 9, 2005
Ser. No. 10/046,450

Page 13 of 13

Respectfully Submitted,
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

5

Dated: 5/9/05



Name: Brian J. Pangrle

Reg. No. 42,973

Phone No. (509) 324-9256 ext. 231

10